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**Frank Hearing to Be Postponed
Another Week**

**DORSEY IN
VALDOSTA
SAYS HE
CANNOT BE
READY BY
SATURDAY**

**“Working Hard,” Says
Solic-**

itor, "But Will Be
Lucky If

We Get Ready by 2
Week

From Next
Saturday"

ANOTHER JUROR,
ATLANTA

MAN, WILL BE
ATTACKED

Juror Said He Would Sit “Till Hell Froze Over,” According To Affidavit That Defense Will File, It Is Said

Special dispatches from Valdosta quote Solicitor General Hugh M. Dorsey as declaring positively that he will not be ready for the argument on the defense's motion for a new trial for Leo M. Frank on next Saturday.

“We are making slow progress,” Mr. Dorsey told The Journal's correspondent, “and cannot possibly be ready for a hearing on Saturday. We will consider ourselves lucky if we can get ready by Saturday week.”

Mr. Dorsey is in Valdosta with his assistant, E. A. Stephens, and they are both devoting their entire time to a preparation of the arguments against a new trial. Until Mr. Dorsey was interviewed by The Journal's correspondent Wednesday, it was generally thought that he would be ready but now his announcement makes a further delay in the case certain.

“The work is voluminous and tedious,” Mr. Dorsey explained to The Journal, ‘ and we have to go over it very carefully. Here we are having no interruptions and are devoting many hours a day to the case, but the work is so great that we cannot possibly be ready at the time the motion is set for a hearing.”

The solicitor, it was learned Wednesday, is getting affidavits to attack some of the men who have charged that A. H. Henslee and M. Jochenning are prejudiced.

The announcement of the solicitor general is not expected to have an effect on the judicial situation. Despite the fact that the court docket is congested, a session of the criminal court cannot be held without the solicitor’s presence, so it is probable that the two judges who are about to make changes will retain their positions until the Frank motion is heard, regardless of the fact that it is to be delayed for another week.

While the theory has been advanced by some that Judge Ben H. Hill may resign from the appellate court bench and be ready to take up his work in the superior court of the Atlanta circuit on next Monday, it is not considered probable that this course will be pursued. Judge Hill is to be named the fourth judge of the Atlanta circuit, a new position which he could assume while Judge L. S. Roan still continued his duties as judge of the Stone Mountain circuit. In other words, there is no legal reason why the seat on the court of appeals should be left open for a few weeks, while Judge Roan hears the Frank motion and Judge Hill conducts the routine criminal division of the superior court.

Because of the congested condition of the criminal docket Judge Hill, it is said, would willingly resign from the court of appeals next Monday, but this course would be of no actual benefit to the country, for the court would still be without a prosecutor, as both Solicitor Dorsey and his assistant will be engaged on the Frank motion until the matter is concluded.

ANOTHER JUROR ATTACKED.

The activity of the defense of Leo M. Frank did not cease with the filing of the lengthy amendment to the motion for a new trial and it was learned Wednesday that before the case is called for argument a third Frank juror will be under fire.

No affidavit or deposition has yet been filed, and the name of the third man of the twelve who passed judgement on Frank, who is to be charged with prejudice against the defendant before he was sworn, has not been divulged. It is said to be practically certain, however, that within the next two days the formal affidavit or deposition will be filed.

SENSATIONAL CHARGE.

The charge against the third juror will be extremely sensational, it is said, as it will be alleged that this juror remarked before the trial that if chosen, he would sit on the jury "until hell froze over" before he would allow a verdict of acquittal for the defendant.

Still another affidavit, attacking Juror A. H. Henslee will be filed by the defense during the next twenty-four hours. The maker of this affidavit, an Atlantian, will swear, it is said, that prior to the trial he overheard a conversation between Henslee and a third party on Peachtree street, and that the two were arguing about the case, the third person defending and Henslee attacking Frank.

Not content with the number of affidavits from people who charge that Henslee made remarks before the trial, showing that he was prejudiced, Attorney Rosser and Arnold, with the assistance of Attorney Stiles Hopkins, have been hard at work during the present week securing evidence and affidavits of a corroborative nature to

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DORSEY IN VALDOSTA SAYS HE CANNOT BE READY BY SATURDAY

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support the affidavits making the direct charges against Henslee.

AFFIDAVIT MAKERS SUPPORTED.

In an affidavit secured by the defense a number of the most prominent citizens of Sparta, Ga., testify to the good character and standing in the community of John M. Holmes, Shi Gay and S. M. Johnson, who swear that Henslee made remarks to them showing this alleged prejudice.

The signers of the affidavit declare that they personally know the three gentlemen to be of the highest personal and moral character and reputation and entirely trustworthy and truthful. This affidavit is signed by W. H. Burwell, speaker of the house of representatives; H. H. Little, ordinary of Hancock county; F L Little, chairman of the board of education of Sparta; F. M. Hunt, H. D. Chapman, tax collector of Hancock county; Thomas F.

Fleming, H. L. Middlebrooks, cashier of the First National Bank of Sparta G. W. Rivers, mayor of Sparta; R. E. Wheeler, cashier of the Sparta National bank; D. E. Wylie, clerk of the superior court of Hancock county; A. H. Birdsong, E. A. Rozier, Sr., president of the Bank of Sparta; J. D. Bennett, coroner of Hancock county, and T. B. Hightower, sheriff.

An interesting statement in connection with the depositions of the three Sparta men in which Henslee is attacked is that they are all close followers of the Frank case and personally convinced of the defendant's guilt.

CARD FROM HARRIS

Virgil V. Harris, of Monroe, Ga., who it has been stated furnished attorneys for Leo M. Frank with an affidavit attacking Juror A. H. Henslee, has written The Journal the following card, in which he declares he never made any such affidavit, and that he was absent from Monroe at the time Mr. Henslee is said to have made the remarks quoted to him:

"Monroe, Ga., Oct. 7, 1913."

"Editor Atlanta Journal:"

"On the first page of your Monday's edition there appeared a story to the effect that Messrs. J. J. Nunnally, W. L. Ricker and myself had made affidavits with reference to alleged expressions of Mr. A. H. Henslee, a juror in the Frank case, before that case came to trial. In so far as this statement refers to me, it is absolutely without foundation, as I was out of town at the time the visit of Mr. Henslee is said to have been made to Monroe, and so informed Mr. Hopkins, the attorney who came down, to secure the affidavits. I have made no affidavit in this case and personally know nothing of the alleged statements attributed to Mr. Henslee."

"Therefore in justice to me, I request that you give this explanation due prominence in your first issue after it is received. Thanking you, I am."

"Yours truly,"
"VIRGIL V. HARRIS."

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Timepiece Taken by Footpads on June 2 Is Found in Pawn Shop

City detectives have located in a pawnshop on Peters street and returned to Attorney Frank A. Hooper, who assisted Solicitor General Hugh M. Dorsey in the Frank case, a handsome gold watch which was stolen from him by a footpad June 2.

At the time Mr. Hooper was held up he was relieved of a considerable sum of money besides the timepiece, which he valued very highly. The officers traced it to one shop where it had been pawned and redeemed the next day. The thief then placed it in another shop and left it. There the officers found the watch and immediately turned it over to the attorney.

BUSY IN VALDOSTA

(Special Dispatch to The Journal.)

VALDOSTA, Ga., Oct. 7—Solicitor General Hugh Dorsey and Assistant Solicitor Ed Stephens of Atlanta, are spending this week in Valdosta, preparing the answer to the motion for a new trial which was made by the lawyers for Leo Frank in Atlanta recently.

While Judge Thomas is holding court in Moultrie, Attorneys and Stephens are occupying his office in the county court house, where they have the advantage of his library and can carry on their work without interruption.

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**HENSLEE
ANSWERS
PERJURY
CHARGES**

OF FRANK DEFENSE

Fight for New Trial
Now

Hinges on Charges
Juror

Was Prejudiced
Before He
Took Oath

The fight for a new trial for Leo M. Frank now hinges apparently around A. H. Henslee, one of the jurors, who has been attacked by the defense as prejudiced before he took the oath of a juror.

Although Solicitor General Hugh M. Dorsey and his assistant, E. A. Stephens, are both in Valdosta, studying the legal phases of

the case, they are keeping the telegraph wires hot in their efforts to sustain Henslee. The attack of the defense on Juror M. Johenning has not been as vigorous and is not considered of great importance.

The attack on Juror Henslee has become the paramount issue in the fight for a new trial for Frank, standing way above the 114 other points made in the motion of Attorneys Luther Z. Rosser and Reuben R. Arnold.

Solicitor Dorsey, when he left Atlanta for the south Georgia town, declared that he would make every effort to be ready with his answer to the motion on next Saturday, when the argument of the case is slated to commence before Judge L. S. Roan, of the Stone Mountain circuit. While a tremendous amount of work lies before the solicitor general, it is believed that he will announce "ready" when the case is called, and he is certain to introduce many affidavits and depositions in an effort to sustain Henslee and Johenning.

Henslee has written a card to The Journal in which he makes clear his position in regard to the attacks made on him by the sworn statements of three Sparta citizens and one Atlanta man.

The juror's statement is as follows:

"Editor The Journal: Replying to your article in today's issue, October 6, in reference to Messrs. Holmes, Johnson and Gray, I will say I am sorry to think that they would go ahead and make such a statement over their signatures that I discussed and tried Leo Frank in their office on July 27."

"Having read their depositions, in solicitor Hugh Dorsey's office. I will say that I spoke of the case freely, and met there many friends in the office on September 2, which was Tuesday morning."

FRANK NOT MENTIONED.

"I am sorry to think they would express themselves and dare their deposition as they did, either July 27 or June 27. I will say

that I was in this office on June 27, but the Frank case was never mentioned."

"As for branding them all liars, I have never done so, but they have mis- calculated the date."

"I did willingly express myself freely regarding the Frank case on September 2, which was after Frank was convicted, Tuesday morning, met many of their friends to whom they introduce me, and did say and express to these friends and to them, that Leo M. Frank, judging from the evidence of Jim Conley, was really a pervert."

"I made a statement to one of the Atlanta papers that I almost positively knew that the depositions received from Sparta, Ga., would not contain anything that I had said prior to the case—that they would be similar to those from Blakely, Ga."

"Regarding the statement that they knew me and my family for years, I wish to state that I hold these gentle- men in the highest esteem, as men whom I believe would defend and honor me and my family regardless of public sentiment."

"I wish to state further, however. that after reading their depositions in Solicitor Dorsey's office. I am surprised that men of their intelligence should come out in a newspaper and request a reply in such a way as they have. As to branding them liars I have never done so. They got their dates wrong, that's all."

"In conclusion considering this as a reply to each one of them personally. instead of branding them as liars, I would gladly defend them at all times."

"Mr. Julius A. Lehman, of the firm of Floyd & Lehman, of the city of Atlanta, makes an affidavit. I understand, to the effect that I stated to him, on either June 2 or 6, while on the train between Atlanta and Experiment, Ga., that I believed Frank guilty. This statement also, I brand as false, as on June 2, 1913, I was on the train between Edison and Arlington, Ga. On June 6, I was on the train between Tifton and Ashburn, Ga."

"Regarding his statement and affidavit, I brand them as absolutely false, and, furthermore, I wish to state that I called on Mr. Lehman personally on Saturday afternoon, October 4, at his place of business, and stated to him, personally, that the only reason I came by was to inform him that I would get a bill of indictment against him when the next grand jury convened in Fulton county for trying to make me out a perjurer. That was all I had to say to him, and I then left his place of business."

"Regarding all of the foregoing statement, I will say that the proof is on record at the Franklin Buggy company's place of business in Barnesville, Ga."

(Signed)
HENSLEE,

"A. H.

"Barnesville, Ga."

Macon, Ga., October 6.